

Richard Heimann (CA State Bar # 063607)
Nimish R. Desai (CA State Bar # 244953)
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
275 Battery St., 29th Fl
San Francisco, CA 94111-3339
Telephone: 415-956-1000
Facsimile: 415-956-1008
rheimann@lchb.com
ndesai@lchb.com

David Stellings (*pro hac vice*)
Katherine I. McBride (*pro hac vice*)
Jessica A. Moldovan (*pro hac vice*)
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
250 Hudson Street, 8th Floor
New York, NY 10013
Telephone: 212.355.9500
Facsimile: 212.355.9592
dstellings@lchb.com
kmcbride@lchb.com
jmoldovan@lchb.com

Attorneys for Plaintiffs

[Additional counsel listed on signature page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES MILSTEAD, et al.,

Plaintiffs,

v.

GENERAL MOTORS LLC, et al.,

Defendants.

Case No. 4:21-cv-06338-JST

**JOINT CASE MANAGEMENT
STATEMENT**

Date: May 2, 2025
Time: 1:30pm
Judge: Hon. Jon S. Tigar

Pursuant to the Court's scheduling order (ECF 264) the parties submit the following joint case management statement in advance of the case management conference scheduled for May 2, 2025.

I. Status of Discovery

Aside from the motion for protective order filed by non-party Aptiv, no discovery issues require resolution by the Court at this time.

1 1. On April 8, 2025, the Court referred all discovery matters to the Honorable
2 Magistrate Judge Thomas S. Hixon. ECF Nos. 265, 271. The parties continue to work to try to
3 resolve or narrow any discovery disputes as they continue to prepare the case, including as
4 follows:

5 2. Plaintiffs served their first set of Requests for Production (RFPs) on GM on
6 November 22, 2023. GM served responses and objections on December 22, 2023. Plaintiffs have
7 reviewed GM's productions in response to the first set of RFPs. The parties will continue to meet
8 and confer about GM's responsive productions, as necessary.

9 3. Plaintiffs served their second set of RFPs on GM on March 18, 2024. GM served
10 its responses on April 22, 2024. After reviewing GM's responses to the second set of RFPs,
11 Plaintiffs served a subpoena on Aptiv, as discussed below. The parties will continue to meet and
12 confer as necessary.

13 4. Plaintiffs served their third and fourth set of RFPs on GM on May 20, 2024. GM
14 served their responses and objections to Plaintiffs' third set of RFPs on July 19, 2024, and their
15 responses and objections to Plaintiffs' fourth set of RFPs on July 26, 2024. The parties will
16 continue to meet and confer as necessary.

17 5. GM made rolling document productions on May 20 and 29, 2024, June 6 and 27,
18 October 10, 2024, and most recently made a production on December 23, 2024; GM will continue
19 to make productions on a rolling basis. To date, GM has produced over 1 million pages of
20 documents responsive to Plaintiffs' RFPs, as well as two hard drives containing over 250 GB of
21 technical data.

22 6. GM has not yet commenced productions of emails or ESI from its custodial
23 collections in response to Plaintiffs' RFPs set three and four. On August 12, 2024, GM provided
24 Plaintiffs with its initial list of ten proposed document custodians, and the parties commenced
25 several months of negotiations, information exchanges, and proposals to work towards agreement
26 on GM's document custodians. The parties ultimately reached agreement on 25 GM document
27 custodians on March 27, 2025.
28

1 7. The parties anticipate further meet and confer efforts will be needed on GM's
2 search term disclosures, which GM first provided to Plaintiffs on January 10, 2025. Plaintiffs
3 responded with a counterproposal on February 19, 2025. GM ran hit reports on Plaintiffs'
4 proposed search terms/strings and tested the number of documents that "hit" on particular terms.
5 Because the parties were in the process of negotiating (and adding) document custodians, GM
6 needed to load significant quantities of additional data to a review database, where it could test
7 the search terms. Although GM continued to collect and process data through April, on April 17,
8 2025, GM responded to Plaintiffs' counterproposal with additional revisions. On April 25, 2025,
9 Plaintiffs responded to GM with a further counterproposal and to request additional information
10 regarding hit reports for GM's proposed search terms/strings and whether GM performed any
11 sampling of non-hit documents (via control sets or random sampling) to determine whether
12 responsive ESI was inadvertently being omitted, helping to improve recall. The parties will make
13 best efforts to agree on GM's search terms or identify areas of disagreement by May 9, 2025.

14 8. Plaintiffs have raised with GM that they may seek to take a Rule 30(b)(6)
15 deposition regarding corporate structure, ESI preservation, and data sources to identify relevant
16 custodians, third parties, and learn about the manner and methods used by GM to store and
17 maintain ESI. GM reserves all rights to oppose any such deposition. The parties will continue to
18 meet and confer regarding custodial searches.

19 9. Plaintiffs served their first set of Interrogatories on GM on July 17, 2024. GM
20 requested extensions on the response date, which Plaintiffs granted as a professional courtesy.
21 During the extension period, GM requested, and plaintiffs agreed to meet and confer to address
22 objections to the Interrogatories prior to service of responses and objections. Following those
23 conferrals, GM served its responses and objections on September 13, 2024. The parties will
24 continue to meet and confer as necessary, including for supplementation as discovery proceeds.

25 10. Plaintiffs served a subpoena to produce documents on third party Aptiv (formerly
26 known as Delphi/Delco) on May 20, 2024. Plaintiffs and Aptiv negotiated and agreed to use
27 model year 2012 as a test production to inform and narrow, where possible, the scope of future
28 productions for all other model years. On August 9, 2024, Aptiv made its first production, which

1 Plaintiffs reviewed and used to inform their continued negotiations with Aptiv regarding the
2 scope of materials to produce and the priority vehicle platforms. Aptiv thereafter commenced
3 rolling productions for remaining model years (1999-2011, 2013-2018). Aptiv has made several
4 rolling productions, including most recently on December 19, 2024. Plaintiffs are reviewing and
5 assessing Aptiv's initial productions, including to inform the scope of subsequent productions in
6 response to Plaintiffs' subpoena, and have raised the need for Aptiv to provide additional
7 metadata in the existing production. Plaintiffs will continue to follow up with Aptiv on its
8 subpoena response and the resulting productions received.

9 11. After reviewing Aptiv's production to Plaintiffs, GM separately served a subpoena
10 on Aptiv. Despite GM's and Aptiv's good-faith efforts, they were unable to resolve disputes over
11 the subpoena. On April 7, 2025, Aptiv filed a motion for protective order. *See* ECF No. 267, as
12 revised at ECF No. 270. On April 21, 2025, GM filed its response to Aptiv's motion. ECF Nos.
13 272, 273, 274. The hearing on Aptiv's motion is set for May 15, 2025 before Magistrate Judge
14 Hixson. ECF No. 269.

15 12. GM served its first set of RFPs and Interrogatories as to each named Plaintiff on
16 April 10, 2024. Plaintiffs served their responses and objections to the RFPs on May 10, 2024, and
17 their responses and objections to the Interrogatories on May 24, 2024. The parties exchanged
18 written correspondence regarding Plaintiffs' responses and objections and held a meet-and-confer
19 call via video conference, where the parties resolved several disputes. Plaintiffs made their initial
20 document production in response to GM's first set of RFPs on July 12, 2024, and have made
21 subsequent productions on September 30, 2024, and March 28, 2025. To date, Plaintiffs have
22 produced 86 documents totaling 421 pages. Plaintiffs will continue to make productions on a
23 rolling basis.

24 13. Plaintiffs agreed to and did provide supplemental interrogatory responses
25 reflecting the resolved disputes referenced above. Plaintiffs served supplemental responses on
26 March 26 and March 28, 2025. GM continues to review Plaintiffs' supplemental responses and
27 additional productions and will meet and confer with Plaintiffs as needed.
28

1 14. In connection with Plaintiffs' production, plaintiff James Milstead produced his
2 vehicle purchase agreement, which contained an arbitration clause. As asserted in GM's
3 affirmative defenses to Plaintiffs' Third Amended Complaint, GM anticipates that many absent
4 class members purchased their vehicles subject to sales contracts that contain arbitration clauses.
5 *See* ECF 214 at 34 (GM. Aff. Defense No. 23). GM has advised Plaintiffs that based on the
6 individualized circumstances of Mr. Milstead's purchase and the claims he asserts, it does not
7 intend to move to compel him to arbitration based on his purchase agreement. GM's position is
8 subject to change based on further developments during fact discovery or amendments to the
9 pleadings, if any. GM further reserves its rights to raise arbitration issues in opposition to
10 Plaintiffs' Class Certification Motion or in support of or in response to any other motion as
11 appropriate. Plaintiffs are not presently aware of any valid grounds for arbitration of the claims in
12 this litigation and reserve their rights to oppose any such defenses or attempts to compel
13 arbitration when and if GM raises them.

14 15. The parties have conferred about their anticipated subjects of discovery in this
15 matter. *See* ECF 216 at 6-7 (presenting the parties' positions on anticipated discovery).

16 16. GM anticipates serving additional discovery on and deposing the named Plaintiffs.
17 GM served document subpoenas on Chris Caruso, and Sal Fariello. GM has received initial
18 objections or responses from Mr. Caruso and Mr. Fariello and anticipates additional meet-and-
19 confers to resolve disputes regarding same. GM anticipates seeking depositions after receiving
20 any document productions. GM further anticipates serving discovery on and/or deposing certain
21 third parties, including absent class members. Plaintiffs reserve their rights to object and move to
22 quash or limit such third party discovery at the appropriate time.

23 17. Plaintiffs' Counsel, who represent Mr. Caruso in connection with responding to
24 GM's document subpoena, agreed to accept service on Mr. Caruso's behalf. Plaintiffs' Counsel
25 then served responses and objections for Mr. Caruso on March 24, 2025. Counsel will meet and
26 confer as necessary on these responses. Plaintiffs separately reserve their rights to object and
27 move to quash and/or limit GM's subpoena as to Mr. Caruso should it become necessary during
28 the meet-confer process on Mr. Caruso's responses.

1 18. The parties have not otherwise discussed specific discovery that is not yet
2 propounded at this time.

3 **II. Other Issues**

4 19. The parties do not have other matters or disputes requiring the Court's attention at
5 this time.

6
7 Dated: April 25, 2025

Respectfully submitted,

8 By: /s/ Roland Tellis

9 Roland Tellis (CA Bar #186269)
10 David Fernandes (CA Bar #280944)
11 Adam Tamburelli (CA Bar #301902)
12 **BARON & BUDD, P.C.**
13 15910 Ventura Boulevard, Suite 1600
14 Encino, California 91436
15 Telephone: (818) 839-2333
16 Facsimile: (818)-986-9698
17 rtellis@baronbudd.com
18 dfernandes@baronbudd.com
19 atamburelli@baronbudd.com

20 David Stellings (*pro hac vice*)
21 Katherine I. McBride (*pro hac vice*)
22 Jessica A. Moldovan (*pro hac vice*)
23 **LIEFF CABRASER HEIMANN**
24 **& BERNSTEIN, LLP**
25 250 Hudson Street, 8th Floor
26 New York, NY 10013
27 Telephone: 212.355.9500
28 Facsimile: 212.355.9592
 dstellings@lchb.com
 kmcbride@lchb.com
 jmoldovan@lchb.com

1 Richard Heimann (CA Bar # 063607)
2 Nimish R. Desai (CA Bar # 244953)
3 **LIEFF CABRASER HEIMANN**
4 **& BERNSTEIN, LLP**
5 275 Battery St., 29th Fl.
6 San Francisco, CA 94111-3339
7 Telephone: 415-956-1000
8 Facsimile: 415-956-1008
9 rheimann@lchb.com
10 ndesai@lchb.com

11 Christopher A. Seeger (*pro hac vice*)
12 Christopher L. Ayers (*pro hac vice*)
13 Steven J. Daroci (*pro hac vice*)
14 **SEEGER WEISS LLP**
15 55 Challenger Road, 6th Floor
16 Ridgefield Park, NJ 07660
17 Telephone: (973) 639-9100
18 Facsimile: (973) 639-9393
19 cseeger@seegerweiss.com
20 cayers@seegerweiss.com
21 sdaroci@seegerweiss.com

22 Shauna Itri (*pro hac vice*)
23 **SEEGER WEISS LLP**
24 1515 Market Street, Suite 1380
25 Philadelphia, PA 19102
26 Telephone: (215) 564-2300
27 Facsimile: (215) 851-8029
28 sitri@seegerweiss.com

***Co-Lead Counsel for Plaintiffs and
the proposed Class***

1 W. Daniel "Dee" Miles, III (*pro hac vice*)
2 H. Clay Barnett, III (*pro hac vice*)
3 J. Mitch Williams (*pro hac vice*)
4 Rebecca D. Gilliland (*pro hac vice*)
5 Dylan T. Martin (*pro hac vice*)
6 **BEASLEY, ALLEN, CROW,**
7 **METHVIN, PORTIS & MILES, P.C.**
8 272 Commerce Street
9 Montgomery, AL 36104
10 Telephone: (334) 269-2343
11 Dee.Miles@beasleyallen.com
12 Clay.Barnett@beasleyallen.com
13 Mitch.Williams@beasleyallen.com
14 Rebecca.Gilliland@beasleyallen.com
15 Dylan.Martin@beasleyallen.com

16 David M. Birka-White (CA Bar # 85721)
17 **BIRKA-WHITE LAW OFFICES**
18 178 E. Prospect Avenue
19 Danville, CA 94526
20 Telephone: (925) 362-9999
21 dbw@birka-white.com

22 James E. Cecchi (*pro hac vice*)
23 Caroline F. Bartlett (*pro hac vice*)
24 **CARELLA, BYRNE, CECCHI,**
25 **OLSTEIN, BRODY & AGNELLO, P.C.**
26 5 Becker Farm Road
27 Roseland, New Jersey 07068
28 Telephone: (973) 994-1700
Facsimile: (973) 994-1744
jcecchi@carellabyrne.com
cbartlett@carellabyrne.com

Joseph H. Meltzer (*pro hac vice*)
Melissa L. Troutner (*pro hac vice*)
KESSLER TOPAZ
MELTZER & CHECK, LLP
280 King of Prussia Road
Radnor, PA 19087
Telephone: (610) 667-7706
Facsimile: (610) 667-7056
jmeltzer@ktmc.com
mtroutner@ktmc.com

Charles E. Schaffer (*pro hac vice*)
David C. Magagna Jr. (*pro hac vice*)
LEVIN, SEDRAN & BERMAN, LLP
510 Walnut Street, Suite 500
Philadelphia, PA 19106
cschaffer@lfsblaw.com
dmagagna@lfsblaw.com

E. Powell Miller (*pro hac vice*)
THE MILLER LAW FIRM, P.C.
950 West University Drive, Suite 300
Rochester, MI 48307
Telephone: (248) 841-2200
Facsimile: (248) 652-2852
epm@millerlawpc.com

Jason P. Sultzer, Esq. (*pro hac vice*)
THE SULTZER LAW GROUP P.C.
270 Madison Avenue, Suite 1800
New York, NY 10016
Tel: (845) 483-7100
Fax: (888) 749-7747
sultzerj@thesultzerlawgroup.com

Counsel for Plaintiffs and the proposed Class

Dated: April 25, 2025

Respectfully submitted,

By: /s/ Renee D. Smith

Renee D. Smith (admitted pro hac vice)
Jeremy Roux (admitted pro hac vice)
Sam Ikard (admitted pro hac vice)
KIRKLAND & ELLIS LLP
333 West Wolf Point Plaza
Chicago, Illinois 60654
Telephone: (312) 862-2310
Facsimile: (312) 862-2200
renee.smith@kirkland.com

Abirami Gnanadesigan, State Bar No. 263375
DYKEMA GOSSETT LLP
444 South Flower Street, Suite 2200
Los Angeles, California 90071
Telephone: (213) 457-1800
Facsimile: (213) 457-1850
AGnanadesigan@dykema.com

1 Michael P. Cooney (admitted *pro hac vice*)
2 **DYKEMA GOSSETT LLP**
3 39577 Woodward Avenue, Suite 300
4 Bloomfield Hills, MI 48304
5 Telephone: (248) 203-0700
6 Facsimile: (248) 203-0763
7 mcooney@dykema.com

8 Justin B. Weiner (admitted *pro hac vice*)
9 **BUSH SEYFERTH PLLC**
10 100 W. Big Beaver Rd.
11 Troy, MI 48084
12 Telephone: (248) 822-7800
13 Facsimile: (248) 822-7000
14 weiner@bsplaw.com

15 *Attorneys for General Motors LLC, General Motors*
16 *Holdings LLC and General Motors Company*
17
18
19
20
21
22
23
24
25
26
27
28

ATTESTATION (CIVIL LOCAL RULE 5-1(i)(3))

In accordance with Civil Local Rule 5-1(i)(3), I attest the concurrence in the filing of this document has been obtained from the signatories.

Dated: April 25, 2025

/s/ Roland Tellis

Roland Tellis

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 25, 2025, a true and correct copy of the foregoing was electronically filed and served electronically via the Court's CM/ECF system, which will automatically serve notice to all registered counsel of record.

/s/ Roland Tellis
Roland Tellis